

EXHIBIT A

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

ANIBAL RODRIGUEZ and JULIEANNA MUNIZ individually and on behalf of all other similarly situated,

25 Plaintiffs,
26 v.
27 GOOGLE LLC,
28 Defendant

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Case No. 3:20-cv-04688-RS

**PLAINTIFFS' REQUESTS FOR
PRODUCTION OF DOCUMENTS TO
DEFENDANT GOOGLE LLC
SET ONE**

1 7. The term “PERSON(S)” includes without limitation any natural person, firm,
 2 association, organization, partnership, business, trust, corporation, or public entity. Any reference
 3 to a PERSON that is a business entity and is not otherwise defined INCLUDES that PERSON’s
 4 predecessors, if any (INCLUDING any pre-existing PERSON that at any time became part of that
 5 entity after merger or acquisition), successors, parents divisions, subsidiaries, affiliates,
 6 franchisors and franchisees, and any other PERSON acting for or on behalf of them.

7 8. The term “PLAINTIFFS” means Anibal Rodriguez and JulieAnna Muniz and any
 8 other named plaintiffs who might be added to this action.

9 9. The term “REGULATORS” includes all government agencies, officials, and
 10 employees that have requested documents or information from Google and/or initiated any
 11 investigation or action concerning Google’s data collection practices and disclosures, including
 12 without limitation the Department of Justice, the Federal Trade Commission, the Arizona
 13 Attorney General (*State of Arizona ex rel. Mark Brnovich, Attorney General v. Google LLC*, No.
 14 CV 2020-006219 (Ariz. Superior Ct. 2020)), the Attorneys General of Texas and California, the
 15 Australian Competition & Consumer Commission, and the Commission Nationale de
 16 l’Informatique et des Libertés (“CNIL”). For purposes of this request, Documents should be read
 17 broadly to include any written responses and privilege logs submitted by Google to the
 18 Regulators.

19 10. The terms “CONCERNING,” “RELATE,” or “RELATING TO” INCLUDE
 20 addressing, analyzing, concerning, constituting, containing, commenting on, discussing,
 21 describing, identifying, in connection with, referring to, reflecting, relating, relating to, reporting
 22 on, stating, or dealing with, in whole or in part, in addition to their customary and usual meanings,
 23 and shall be construed in the broadest sense possible.

24 11. The term “YOU” or “YOUR” means or refers to DEFENDANT GOOGLE LLC,
 25 and any of his or their attorneys, agents, representatives, predecessors, successors, assigns, and
 26 any PERSONs acting or purporting to act on his or their behalf.

27
 28

1 (h) DOCUMENTS should be produced in full, without abbreviation or
 2 expurgation, regardless of whether YOU consider the entire DOCUMENT
 3 to be relevant or responsive.

4 (i) In instances where two or more exact duplicates of any DOCUMENT
 5 exist, the most legible copy shall be produced.

6 **6. Privilege Log:** To the extent YOU object to or claim a privilege with respect to
 7 any Request in whole or in part, provide the following information for each DOCUMENT and
 8 each portion of any DOCUMENT withheld: (a) its Bates Number; (b) its type (e.g., email,
 9 memorandum, spreadsheet, text message); (c) any author(s) or sender(s); (d) any recipients; (e)
 10 any persons cc'd or bcc'd; (f) its date; (g) whether it was redacted or withheld; (h) the applicable
 11 privilege(s) or protection(s); and (i) a brief description of why the privilege(s) or protection(s)
 12 justify the redaction or withholding. For all persons identified as author(s), sender(s), recipient(s),
 13 or copyees or blind copyees, identify for each person, her affiliation(s), title(s), and whether she
 14 is an attorney.

15 **7. Lost Materials:** If any responsive DOCUMENT was, but no longer is, in YOUR
 16 possession, custody, or control, then provide a log that lists for each such DOCUMENT (a) its
 17 type (e.g., email, memorandum, spreadsheet, text message); (b) any author(s) or sender(s); (c)
 18 any recipients; (d) any persons cc'd; (e) its date; and (f) its subject matter.

19 **8. Continuing Obligation:** These Requests are to be considered continuing in
 20 nature, and YOU must promptly furnish supplemental responses if any additional DOCUMENTS
 21 or information is discovered or created after YOUR responses are tendered, or if any of YOUR
 22 responses are subsequently determined to be incorrect, incomplete, or misleading in any respect.

23 **REQUESTS FOR PRODUCTION OF DOCUMENTS**

24 **REQUEST FOR PRODUCTION NO. 1:**

25 All Documents Google has provided to any Regulator since January 1, 2014 concerning
 26 Firebase and its collection, interception, tracking, or use of user data, including through or with
 27 Google Analytics.

1 **REQUEST FOR PRODUCTION NO. 2:**

2 All written requests Google has received from any Regulator since January 1, 2014
3 concerning Google's privacy practices or Firebase.

4

5 Respectfully submitted,

6 Dated: October 15, 2020

7

8 **BOIES SCHILLER FLEXNER LLP**

9

10 By: 
11 Mark C. Mao

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EXHIBIT B

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10 Attorneys for
11 GOOGLE LLC

12 **UNITED STATES DISTRICT COURT**

13 **NORTHERN DISTRICT OF CALIFORNIA**

14 **SAN FRANCISCO**

15 ANIBAL RODRIGUEZ AND JULIEANNA
16 MUNIZ, individually and on behalf of all other
similarly situated,

17 Plaintiffs,

18 vs
19 GOOGLE LLC, *et al.*,

20 Defendants.

21 Case No. 3:20-CV-04688

22 **DEFENDANT GOOGLE LLC'S
RESPONSES TO PLAINTIFFS'
REQUEST FOR PRODUCTION OF
DOCUMENTS, SET ONE**

23 Judge: Hon. Richard Seeborg
Courtroom: 3, 17th Floor
Action Filed: July 14, 2020
Trial Date: Not Set

24 PROPOUNDING PARTY: PLAINTIFFS ANIBAL RODRIGUEZ AND JULIEANNA MUNIZ

25 RESPONDING PARTY: DEFENDANT GOOGLE LLC

26 SET NO.: ONE

27 Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure ("Federal Rules") and the
28 Civil Local Rules of the United States District Court for the Northern District of California ("Local
Rules"), Defendant Google LLC ("Defendant" or "Google") hereby submits these objections and
responses to Plaintiffs Anibal Rodriguez and Julieanna Muniz's ("Plaintiffs") First Set of Request for

1 unduly burdensome or disproportionate to the needs of this Action. Google also objects to the
 2 definition as overly broad and unduly burdensome because it purports to include “without limitation”
 3 “all government agencies, officials, and employees that have requested documents or information
 4 from Google and/or initiated any investigation or action concerning Google’s data collection
 5 practices and disclosures,” “any written responses” and “privilege logs submitted by Google to the
 6 Regulators.”

7 23. Google objects to the definition of “YOU” and “YOUR” as incomprehensible. Google
 8 construes “YOU” and “YOUR” to mean Google LLC. Google further objects to this definition to
 9 the extent that it purports to include forms of information not discoverable under the Federal Rules,
 10 the Local Rules, or any other applicable authority. Google also objects to the definition to the extent
 11 that it defines a category of documents in an overbroad manner and/or requests a production of
 12 documents, which would be unduly burdensome or disproportionate to the needs of this Action.
 13 Google further objects to the extent it seeks information or refers to documents controlled by
 14 individuals who are not parties to this litigation and/or which are not within Google’s control.

RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1:

17 All Documents Google has provided to any Regulator since January 1, 2014 concerning
 18 Firebase and its collection, interception, tracking, or use of user data, including through or with Google
 19 Analytics.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

21 Google incorporates its general responses and objections as set forth above. Google further
 22 objects to this Request on the grounds that: (i) a Protective Order and order concerning the production
 23 of ESI have not yet been agreed to or entered in this Action; (ii) it could be read to seek documents
 24 protected by the attorney-client privilege and/or the attorney work-product doctrine; (iii) it is unduly
 25 burdensome, overbroad, and disproportionate to the needs of the Action to the extent it seeks “all”
 26 documents Google has provided to “any” regulator over a seven-year period, which is five years longer
 27 than the Class Period and almost one year prior to when Google acquired Firebase, rather than

1 documents targeted to the claims in the Action, and because Plaintiffs' definition of "Regulators"
 2 purports to include "without limitation" "all government agencies, officials, and employees that have
 3 requested documents or information from Google and/or initiated any investigation or action
 4 concerning Google's data collection practices and disclosures," "any written responses" and "privilege
 5 logs submitted by Google to the Regulators"; (iv) its scope is overbroad and disproportionate to the
 6 needs of the Action and thus any corresponding search and production would be unduly burdensome;
 7 (v) it is vague and ambiguous as to the undefined terms "Firebase," "collection," "interception,"
 8 "tracking," "use" and "user data"; (vi) it seeks trade secrets or highly confidential and proprietary
 9 business information, the disclosure of which threatens to harm Google; and (vii) it is unduly
 10 burdensome, overbroad, and disproportionate to the needs of the Action to the extent that it is
 11 unbounded in time and/or seeks documents from a time period unrelated to the operative factual
 12 allegations; and (viii) it is premature because Plaintiffs served these Requests almost one month before
 13 filing their amended complaint and Google has only two business days to review the amended
 14 complaint to evaluate the possible relevance of this Request to the claims and/or defenses at issue in
 15 the Action. Google further objects to this Request as overly broad and unduly burdensome because it
 16 is not reasonably limited in scope and seeks documents that do not relate to the operative allegations
 17 in this Action. Requesting documents solely on the basis that Google produced them in other matters
 18 is inconsistent with the permissible scope of discovery under the Federal Rules, which limit discovery
 19 to information that is "relevant to the subject matter involved in the pending action." Fed. R. Civ. P.
 20 26(b)(1). The mere fact that Google provided documents in another matter does not *ipso facto* render
 21 those documents relevant to or discoverable in this Action. Indeed, the documents provided in another
 22 matter are highly likely to include a vast number of documents that are neither relevant nor material
 23 to the claims and defenses in this Action. This Request also contravenes the Federal Rules'
 24 requirement that the requesting party "describe with particularity each item or category of items to be
 25 inspected." Fed. R. Civ. P. 34(b)(1)(A). The Request is thus not proportional to the needs of this
 26 Action, and the burden of the requested discovery outweighs any likely benefit.

27

28

1 Subject to and without waiving the foregoing responses and objections, Google will not
 2 produce documents responsive to this Request.

3 **REQUEST FOR PRODUCTION NO. 2:**

4 All written requests Google has received from any Regulator since January 1, 2014 concerning
 5 Google's privacy practices or Firebase.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

7 Google incorporates its general responses and objections as set forth above. Google further
 8 objects to this Request on the grounds that: (i) a Protective Order and order concerning the production
 9 of ESI have not yet been agreed to by the parties or entered by the Court in this Action; (ii) it could be
 10 read to seek documents protected by the attorney-client privilege and/or the attorney work-product
 11 doctrine; (iii) it is unduly burdensome, overbroad, and disproportionate to the needs of the Action to
 12 the extent it seeks "all" written requests Google has received from "any" Regulator "concerning
 13 Google's privacy practices or Firebase" over a seven-year period rather than documents targeted to
 14 the claims in the Action, and because Plaintiffs' definition of "Regulators" purports to include
 15 "without limitation" "all government agencies, officials, and employees that have requested
 16 documents or information from Google and/or initiated any investigation or action concerning
 17 Google's data collection practices and disclosures," "any written responses," and "privilege logs
 18 submitted by Google to the Regulators"; (iv) its scope is overbroad and disproportionate to the needs
 19 of the Action and thus any corresponding search and production would be unduly burdensome; (v) it
 20 is vague and ambiguous as to the undefined terms "Firebase," "privacy practices," and "written
 21 requests"; (vi) it is unduly burdensome, overbroad, and disproportionate to the needs of the Action to
 22 the extent that it is unbounded in time and/or seeks documents from a time period unrelated to the
 23 operative factual allegations; and (vii) it is premature because Plaintiffs served these Requests almost
 24 one month before filing their amended complaint and Google has only two business days to review
 25 the amended complaint to evaluate the possible relevance of this Request to the claims and/or defenses
 26 at issue in the Action. Google further objects to this Request as overly broad and unduly burdensome
 27 because it is not reasonably limited in scope and seeks documents that do not relate to the operative

1 allegations in this Action. Requesting documents solely on the basis that they were exchanged in other
 2 matters is inconsistent with the permissible scope of discovery under the Federal Rules, which limit
 3 discovery to information that is “relevant to the subject matter involved in the pending action.” Fed.
 4 R. Civ. P. 26(b)(1). The mere fact that Google received certain documents in another matter does not
 5 *ipso facto* render those documents relevant to, or discoverable in, this Action. This Request also
 6 contravenes the Federal Rules’ requirement that the requesting party “describe with particularity each
 7 item or category of items to be inspected.” Fed. R. Civ. P. 34(b)(1)(A). The request is thus not
 8 proportional to the needs of this Action, and the burden of the requested discovery outweighs any
 9 likely benefit.

10 Subject to and without waiving the foregoing responses and objections, Google will not
 11 produce documents responsive to this Request.

12
 13 Dated: November 16, 2020

WILLKIE FARR & GALLAGHER LLP

14
 15 By: /s/ Benedict Y. Hur
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 17 Simona Agnolucci
 Jayvan E. Mitchell
 Amanda Maya

18 *Attorneys for Defendant Google LLC*